

A HISTORY OF THE NLRB JUDGES DIVISION

With Special Emphasis on the Early Years



By Richard J. Linton, Administrative Law Judge (Retired)
National Labor Relations Board

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August 1, 2004

COVER PICTURE

The cover picture is a copy of the one taken of attendees at the May 1942 Trial Examiners Conference in Annapolis, Maryland. This photograph is reproduced, and the attendees are discussed, beginning at page 58. As there explained, Phoebe Smith Ruckle, of Charleston, West Virginia, graciously supplied a copy for this paper. Her grandfather, Judge Edward Grandison Smith, is one of the judges in the picture. Credit for the inspired thought of placing a copy of the photograph on the cover goes to David B. Parker, the NLRB's Deputy Executive Secretary.

DEDICATION

In grateful memory of the early-day judges of the National Labor Relations Board. They labored when the sun was high, the winds hot, and the honors few. The rest of us have followed in relative comfort, security, and respect.

PUBLICATION DATE

In this year of 2004, the August 1 publication date of this book is chosen to mark the 66th anniversary of the decision by the Board to switch, effective August 1, 1938, from a system of hiring most of its judges ("Trial Examiners," then) as day laborers ("per diem" judges), to a system of employing us as regular-staff salaried employees of the Federal Government. This book was printed by the NLRB in October 2004.

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NOTE: Judge Linton undertook to write this book as a retirement project. He retired on November 2, 2001, after serving over 21 years as an NLRB judge.

FOREWORD

You can almost hear Tom Kessel's gruff bark and smell Tom Ricci's lit cigar emanating from the pages of Judge Linton's magnificent historical piece. He captures the context of the early years of the Board in his own inimitable style and the comprehensive roster of all people who ever served as regular-staff NLRB trial examiners or judges is alone a justification for his efforts. The evolution of the judge's position at the NLRB is well documented, but some things do not change. Ironically, as Judge Linton mentions, the old-time practice of using part-time, per-diem trial examiners, who apparently worked out of their homes, is echoed, in some respects, by today's computer-age use of full-time, regular work-at-home judges.

Hopefully, no present-day judges will be hanged in effigy, as was Judge Edward Grandison Smith during the Weirton Steel trial. But they still have their share of contentious cases and have to sign and stand by their decisions, sometimes by announcing them from the bench in the presence of the losing party. Anyone who has presided over or participated in Board hearings will appreciate Judge Linton's paean to those triers of fact who have contributed mightily to justice in the workplace during the almost 70 years of Board history.

August 1, 2004
Washington, DC

Robert A. Giannasi
Chief Administrative Law Judge
National Labor Relations Board